REMARKS

First, Applicants thank the Examiner for discussing the present case with Applicants' representatives. A Statement of Substance of Interview is enclosed herewith.

Claims 1-3, 5-13, and 15-20 are all the claims pending in the present application. Claims 1-3, 5-10 and 20 are rejected under 35 U.S.C. §101 as allegedly being directed to non-statutory subject matter. Claims 1-3, 5-13 and 15-20 are rejected based on the same prior art rejections as set forth in the previous Office Action. Specifically, claims 1-3, 5-13 and 15-20 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Barkan et al. (U.S. Patent No. 6,925,493) in view of Tunnicliffe et al. (U.S. Patent No. 6,272,110).

§101 Rejections - Claims 1-3, 5-10 and 20

Applicants' representatives spoke with the Examiner regarding the rejections under 35 U.S.C. §101 and the Examiner indicated that the rejections of these claims may be withdrawn. Further, Applicants submit that the processor corresponds to the processing means 5 shown in, for example, Fig. 1.

§103(a) Rejections(Barkan / Tunnicliffe) - Claims 1-3, 5-13 and 15-20

With respect to independent claim 1, Applicants previously argued that neither Barkan nor Tunnicliffe, either alone or in combination, discloses or suggests at least, "wherein said processor adapts at least some of the proposals to modify the services and/or resources of said network according to tertiary data," as recited in amended claim 1[1]. *See page 6 of Amendment dated March 5, 2007.* In response, the Examiner revises the arguments based on the reasons set forth on pages 5-6 of the Office Action.

In response, Applicants maintain their previous arguments.

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[1] Previously, the claim recited "processing means" instead of "processor".

Further, Applicants submit that the main feature of Barkan is to calculate penalties to be credited to the customer in case the targets have not been met (col. 2, lines 45-46). By contrast, with respect to claim 8, the processor automatically initiates said SLA modification when it is associated with an increase in the tariff of the user less than a penalty representing the violation of the SLA by the user. This modification corresponds to, for example, an adaptation to the best cost for the user.

Barkan only calculates penalty.

Barkan fails to teach this adaptation which has an exemplary, avantageous business impact.

Further, Barkan fails to disclose or suggest at least, "wherein said processor adapts at least some of the proposals to modify the services and/or resources of said network according to tertiary data," as recited in claim 8.

Further, please note that "human resources application" (col. 17, lines 37-38) are not "tertiary data" having a business impact. The main feature of Tunnicliffe is to predict the violation of the SLA by the user.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.
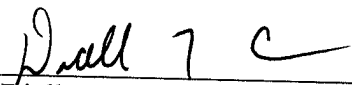
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